

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MICHAEL MOTLEY,

Petitioner,

v.

Civil Action No. 7:13-CV-170 (HL)

ANTOINE CALDWELL,

Respondent.

ORDER

This case is before the Court on a Recommendation from United States Magistrate Judge Thomas Q. Langstaff (Doc. 13), entered August 28, 2014. Judge Langstaff recommends that Respondent's Motion to Dismiss Petition as Untimely (Doc. 9) be granted.

Petitioner has filed objections to the Recommendation. (Doc. 14). The Court has reviewed the objections and conducted a *de novo* review of the Recommendation. Upon review, the Court accepts and adopts the Recommendation. Plaintiff's objections are overruled. Respondent's motion to dismiss as untimely Petitioner's petition for federal habeas relief pursuant to 28 U.S.C. § 2255 (Doc. 9) is granted.

The Court further finds that Petitioner has not made a substantial showing of the denial of a constitutional right such that a certificate of appealability should

be granted. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478 (2000).

A certificate of appealability is denied in this case.

SO ORDERED, this 19th day of September, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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